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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,054	02/02/2001	David M. Payne	10002870-1	9358

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EXAMINER

NGUYEN, LEE

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 11/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/776,054	PAYNE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	LEE NGUYEN	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ .	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dinkin (US 6,603,965).

Regarding claim 1, Dinkin teaches a mobile phone handset, comprising: a connector 31, 32 (fig. 3) configured to connect said mobile phone handset to at least one of a plain ordinary telephone line, a local area network and one or more computing devices (col. 4, lines 23-38).

Regarding claim 2, Dinkin also teaches a network controller configured to allow said mobile phone handset to communicate with said local area network (Ethernet, col. 4, line 25).

Regarding claim 8, Dinkin inherently teaches a plain ordinary telephone transmitter receiver circuitry configured to send and receive

telephone call signals to and from said plain ordinary telephone line (col. 4, lines 5-8 and line 45).

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 2.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3-4, 9-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkin in view of Thorne (US 6,021,310).

Regarding claim 3, Dinkin also teaches a processor control subsection configured to control operations of said mobile phone handset (44, fig. 4); Dinkin fails to explicitly teach a line detector configured to send said processor control subsection a local area network present signal if said connector is connected to said local area network. In an analogous art, Thorne teaches a line detector configured to send said processor control subsection a telephone line present signal if said connector is connected to said telephone line (col. 6, lines 3-12). Therefore, it would be also obvious that providing the teaching of Thorne to the mobile handset of Dinkin, the line detector would also detect and send a local area connection signal to the processor for connecting to the local area network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Thorne to the handset of Dinkin in order to provide the right interface to the handset.

Regarding claims 4, 16, Dinkin as modified also teaches that said processor control subsection is configured to allow a user of said mobile phone handset to access said local area network through a user interface of said mobile phone handset (see figure 2 of Dinkin).

Regarding claims 9-10, the claims are interpreted and rejected for the same reason as set forth in claim 3.

Regarding claims 11 and 12, Dinkin as modified fails to teach dialing according to stored numbers and displaying caller ID. It is taken official notice that the art of dialing according to stored numbers and displaying caller ID is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide dialing according to stored numbers and displaying caller ID in order to dial call quicker and to screen unwanted calls.

Regarding claim 13, the claim is interpreted and rejected for the same reason as set forth in claim 9. Dinkin as modified by Thorne also teaches modem 48, in figure 4 of Thorne.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkin in view of Shirai (US 6,459,778).

Regarding claim 5, Dinkin also teaches that a plurality of ports can be used to interface with other devices (col. 4, lines 33-35 and line 45). Dinkin fails to explicitly teach allowing said mobile phone handset to communicate with said one or more computing devices, each of said one or more computing devices having a device network controller configured to communicate with said network controller using a network communication protocol. In an analogous art, Shirai teaches allowing a mobile phone handset to communicate with said one or more computing devices, each of said one or more computing devices having a device network controller configured to communicate with said network controller using a network communication protocol (col. 11, lines 14-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Shirai to the handset of Dinkin in order to allow peer-to-peer communication.

7. Claims 6 –7, 14 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkin in view of Shirai (US 6,459,778) as applied to claim 5 above and further in view of Thorne.

Regarding claim 6, the claim is interpreted and rejected for the same reason as set forth in claim 3.

Regarding claim 7, Dinkin as modified also teaches that said processor control subsection is configured to allow a user of said mobile phone handset to access a wide area network through a user interface of said one or more computing devices if said connector is connected to said one or more computing devices (Internet, col. 3, line 39 of Dinkin).

Regarding claims 14, 17, the claims are interpreted and rejected for the same reason as set forth in claim 7.

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone

number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
LEE NGUYEN 11/20/03  
Primary Examiner  
Art Unit 2682